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Counsel for Reorganized Debtors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:) CASE NO. BK-09-14814-LBR
) (Jointly Administered)
 THE RHODES COMPANIES, LLC, aka)
 "Rhodes Homes," et al.,) Chapter 11
)
 Reorganized Debtors. ¹)

Affects:)
)
☒ All Debtors)
☐ The Following Debtor(s):)
)

¹ The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

**EX-PARTE MOTION FOR ORDER SHORTENING TIME TO HEAR MOTION OF
THE REORGANIZED DEBTORS FOR ENTRY OF AN ORDER APPROVING THE
SETTLEMENT AGREEMENT BETWEEN RHODES HOMES ARIZONA, LLC AND
STANLEY CONSULTANTS, INC.**

The Reorganized Debtors, by and through their counsel, Kolesar & Leatham and Akin Gump Strauss Hauer & Feld LLP, hereby move this Court, *ex-parte*, for an Order Shortening Time to hear their Motion for Entry of an Order Approving the Settlement Agreement Between Rhodes Homes Arizona, LLC and Stanley Consultants, Inc. (the "Settlement Motion") in the above-captioned cases.

This motion is based upon the attached points and authorities, the papers and pleadings on file herein and the attached Affidavit of Nile Leatham, Esq.

Dated this 20th day of June, 2011.

By: /s/ Nile Leatham

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 Federal Rule of Bankruptcy Procedure 9006(c) provides that the court may, “for cause
4 shown,” shorten the time for providing notice of a motion. Local Rule 9006 implements this
5 provision stating:

- 6 (a) In appropriate circumstances and for good cause shown, the court may shorten
7 the time for a notice of intended action, or for serving a motion and holding the
hearing thereon.

8 Local Rule 9006(b) specifies that such a motion shall be accompanied by an affidavit
9 explaining why an expedited hearing is required and an attorney information sheet indicating
10 whether opposing counsel objects to the hearing on shortened time.

11 After extensive, arm’s-length negotiations between the Reorganized Debtors (on behalf
12 of themselves and the Second Lien Agent) and Stanley Consultants, Inc., the parties have
13 determined to enter into a Settlement Agreement, a copy of which is attached to proposed order
14 for the Motion for Entry of an Order Approving Settlement Agreement Between Rhodes
15 Homes Arizona, LLC and Stanley Consultants (“Settlement Motion”) as Exhibit 1, in order to
16 fully and finally resolve the Litigation and all related claims, disputes and causes of action.
17 *See* Affidavit of Nile Leatham in Support of Motion for Order Shortening Time to Hear Motion
18 of the Reorganized Debtors for Entry of an Order Approving the Settlement Agreement
19 Between Rhodes Homes Arizona, LLC and Stanley Consultants, Inc. (“Leatham Affidavit”) at
20 ¶3.

21 The Reorganized Debtors desire and seek approval of the Settlement Agreement as
22 soon as possible so to avoid any unnecessary delay in making distributions to holders of second
23 lien lender secured claims. *See* Leatham Affidavit at ¶4.

24 This Court has scheduled hearings on objections to claims for June 24, 2011, at 1:30
25 p.m. *See* Leatham Affidavit at ¶5.

26 Reorganized Debtors seek a hearing to approve the Settlement Agreement on June 24,
27 2011, at 1:30 p.m. *See* Leatham Affidavit at ¶6.

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1 The Settlement Motion is supported by the Affidavit of Nile Leatham, attached hereto.

2 Movants, therefore, request that the Court set the Settlement Motion for hearing on
3 June 24, 2011, at 1:30 p.m. Movants further request that the deadline for filing responses to
4 the Settlement Motion be set for June 21, 2011, at 5:00 p.m. (Pacific Time).

5 Dated this 20th day of June, 2011.

7 By: /s/ Nile Leatham

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